

Prepared By:

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Attorneys for Plaintiffs Gregory R. Raifman and Susan Raifman, individually and as Trustees for the Raifman Family Revocable Trust Dated 7/2/03, and Gekko Holdings, LLC, an Alaska limited liability company, dba Gekko Breeding and Racing

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

GREGORY R. RAIFMAN, individually and as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, SUSAN RAIFMAN, individually and as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST DATED 7/2/03, and GEKKO HOLDINGS, LLC, an Alaska limited liability company, dba GEKKO BREEDING AND RACING,

Plaintiffs,

v.

CLASSICSTAR, LLC, a Utah limited liability company, CLASSICSTAR FARMS, LLC, a Kentucky limited liability company, BUFFALO RANCH, a business entity form unknown, GEOSTAR CORPORATION, a Delaware corporation, S. DAVID PLUMMER, SPENCER D. PLUMMER III, TONY FERGUSON, THOMAS ROBINSON, JOHN PARROT, HANDLER, THAYER & DUGGAN, LLC, an Illinois Limited Liability Company, THOMAS J. HANDLER, KARREN, HENDRIX, STAGG, ALLEN & COMPANY, P.C., a Utah professional corporation f/k/a KARREN, HENDRIX & ASSOCIATES, P.C., a Utah professional corporation, TERRY L. GREEN, and DOES 1-1000 inclusive,

Defendants.

CASE NO. C 07-02552 MJJ

**STIPULATION AND [PROPOSED] ORDER  
SETTING HEARING DATE AND BRIEFING  
SCHEDULE FOR RESCHEDULED  
MOTIONS**

1 This Stipulation is entered into by and between the following parties: Plaintiffs GREGORY R.  
 2 RAIFMAN, individually and as Trustee of the RAIFMAN FAMILY REVOCABLE TRUST DATED  
 3 7/2/03, SUSAN RAIFMAN, individually and as Trustee of the RAIFMAN FAMILY REVOCABLE  
 4 TRUST DATED 7/2/03, and GEKKO HOLDINGS, LLC, an Alaska limited liability company, dba  
 5 GEKKO BREEDING AND RACING, and Defendants CLASSICSTAR, LLC, a Utah limited liability  
 6 company, CLASSICSTAR FARMS, LLC, a Kentucky limited liability company, STRATEGIC  
 7 OPPORTUNITY SOLUTIONS, LLC, a Utah limited liability company, d/b/a BUFFALO RANCH,  
 8 erroneously sued as BUFFALO RANCH, a business entity form unknown, GEOSTAR  
 9 CORPORATION, a Delaware corporation, S. DAVID PLUMMER, SPENCER D. PLUMMER III,  
 10 TONY FERGUSON, THOMAS ROBINSON, JOHN PARROT, HANDLER, THAYER & DUGGAN,  
 11 LLC, an Illinois Limited Liability Company, THOMAS J. HANDLER, J.D., P.C., erroneously sued as  
 12 THOMAS J. HANDLER, KARREN, HENDRIX, STAGG, ALLEN & COMPANY, P.C., a Utah  
 13 professional corporation f/k/a KARREN, HENDRIX & ASSOCIATES, P.C., a Utah professional  
 14 corporation, and TERRY L. GREEN.

15 1 There are various motions which have been filed by Defendants in this Court.  
 16 Specifically, these are: (1) a motion by Defendant SPENCER D. PLUMMER III to dismiss for failure  
 17 to state a claim upon which relief may be granted; (2) a motion by Defendant STRATEGIC  
 18 OPPORTUNITY SOLUTIONS, LLC, d/b/a/ BUFFALO RANCH to dismiss for lack of personal  
 19 jurisdiction; and (3) a motion by Defendants CLASSICSTAR, CLASSICSTAR FARMS, LLC,  
 20 GEOSTAR, TONY FERGUSON, THOMAS ROBINSON and JOHN PARROT to stay proceedings  
 21 pending a ruling by the Judicial Panel on Multidistrict Litigation on the Motion for Transfer  
 22 (collectively referred to as "the rescheduled motions"). Additionally, Defendants HANDLER,  
 23 THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C., erroneously sued as THOMAS  
 24 J. HANDLER have filed a motion to set aside defaults which were entered against them on July 11,  
 25 2007.

26 2. On July 23, 2007, a Clerk's Notice (Setting Case Management Conference in  
 27 Reassigned Case) was entered and filed requiring all parties to confer regarding the rescheduled  
 28 motions and agree on a suitable single date in September, 2007 for the Court to hear the rescheduled

1 motions.

2 3. The parties have conferred and agree and stipulate that, with the exception of the one  
3 motion noted below, hearing on the rescheduled motions will be on **Tuesday, September 18, 2007, at**  
4 **9:30 a.m.** in Courtroom 11, 19<sup>th</sup> Floor, before the Honorable Martin J. Jenkins.

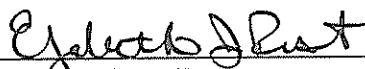
5 4. The only exception to this Stipulation is the a Motion to Set Aside Default filed by  
6 Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, I.D., P.C.,  
7 erroneously sued as THOMAS J. HANDLER, which will remain as currently scheduled to be heard on  
8 August 28, 2007, at 9:30 a.m. The briefing schedule for this motion remains unchanged.

9 5. The parties agree and stipulate that any opposition briefs to the rescheduled motions  
10 must be filed and served no later than 21 days prior to September 18, 2007, or no later than August 28,  
11 2007.

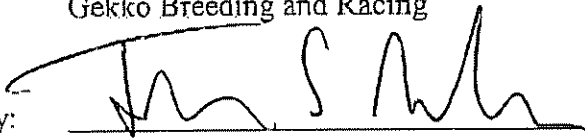
12 6. The parties agree and stipulate that any reply briefs regarding the rescheduled motions  
13 must be filed and served no later than 14 days prior to September 18, 2007, or no later than September  
14 4, 2007.

15 7. The parties agree to execute this Stipulation and that this Stipulation may be submitted  
16 to the Court for an Order thereon.

17  
18 Dated: 8/3/07

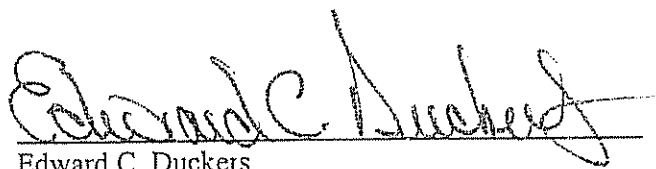
18 By:   
19 Richard J. Idell  
20 Ory Sandel  
21 Elizabeth J. Rest  
22 Attorneys for Plaintiffs Gregory R. Raifman and Susan  
23 Raifman, individually and as Trustees for the Raifman  
24 Family Revocable Trust Dated 7/2/03, and Gekko  
25 Holdings, LLC, an Alaska limited liability company, dba  
26 Gekko Breeding and Racing

24 Dated: 8/2/07

24 By:   
25 John S. Blackman  
26 Attorney for Terry Green; Karren, Hendrix, Staggs Allen  
27 & Company, P.C.  
28

1 Dated: 8/2/07

By:

  
Edward C. Duckers  
Attorney for Strategic Opportunity Solutions, LLC dba  
Buffalo Ranch & Spencer D. Plummer, III

2  
3  
4 Dated: \_\_\_\_\_

By:

~~Ronald J. Sim  
Attorney for Strategic Opportunity Solutions, LLC dba  
Buffalo Ranch & Spencer D. Plummer, III~~

5  
6  
7 Dated: \_\_\_\_\_

By:

Fred S. Blum  
Attorney for ClassicStar, LLC, ClassicStar Farms, LLC,  
GeoStar Corporation, Tony Ferguson, Thomas Robinson  
and John Parrot

8  
9  
10 Dated: \_\_\_\_\_

By:

John M. Drath  
Attorney for Handler, Thayer Duggan, LLC and Thomas  
J. Handler, J.D., P.C.

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15  
16 **[PROPOSED] ORDER SETTING HEARING DATE AND BRIEFING SCHEDULE FOR**  
17 **RESCHEDULED MOTIONS**

18 The Stipulation of the parties having been presented to the Court for an Order thereon, and the  
19 parties having stipulated that this Court may issue an Order setting a hearing date and briefing schedule  
20 for the rescheduled motions, with the exception of the Motion to Set Aside Default filed by Defendants  
21 HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C., erroneously sued  
22 as THOMAS J. HANDLER, and GOOD CAUSE APPEARING THEREFOR,

23 IT IS HEREBY ORDERED THAT with the exception of the Motion to Set Aside Default filed  
24 by Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C.,  
25 erroneously sued as THOMAS J. HANDLER, which will be heard on August 28, 2007, at 9:30 a.m.,  
26 hearing on the rescheduled motions will be on **Tuesday, September 18, 2007, at 9:30 a.m.** in  
27 Courtroom 11, 19<sup>th</sup> Floor, before the Honorable Martin J. Jenkins.

28 //

1 Dated: \_\_\_\_\_

By: \_\_\_\_\_

2 Edward C. Duckers  
3 Attorney for Strategic Opportunity Solutions, LLC dba  
4 Buffalo Ranch & Spencer D. Plummer, III

5 Dated: \_\_\_\_\_

By: \_\_\_\_\_

6 Ronald J. Sim  
7 Attorney for Strategic Opportunity Solutions, LLC dba  
8 Buffalo Ranch & Spencer D. Plummer, III

9 Dated: 8/1/07

By: \_\_\_\_\_

10 Fred S. Blum  
11 Attorney for ClassicStar, LLC, ClassicStar Farms, LLC,  
12 GeoStar Corporation, Tony Ferguson, Thomas Robinson  
13 and John Parrot

14 Dated: \_\_\_\_\_

By: \_\_\_\_\_

15 John M. Drath  
16 Attorney for Handler, Thayer Duggan, LLC and Thomas  
17 J. Handler, J.D., P.C.

18 **[PROPOSED] ORDER SETTING HEARING DATE AND BRIEFING SCHEDULE FOR**  
19 **RESCHEDULED MOTIONS**

20 The Stipulation of the parties having been presented to the Court for an Order thereon, and the  
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23 HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C., erroneously sued  
24 as THOMAS J. HANDLER, and GOOD CAUSE APPEARING THEREFOR,

25 IT IS HEREBY ORDERED THAT with the exception of the Motion to Set Aside Default filed  
26 by Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C.,  
27 erroneously sued as THOMAS J. HANDLER, which will be heard on August 28, 2007, at 9:30 a.m.,  
28 hearing on the rescheduled motions will be on **Tuesday, September 18, 2007, at 9:30 a.m.** in  
Courtroom 11, 19<sup>th</sup> Floor, before the Honorable Martin J. Jenkins.

//

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Edward C. Duckers  
Attorney for Strategic Opportunity Solutions, LLC dba  
Buffalo Ranch & Spencer D. Plummer, III

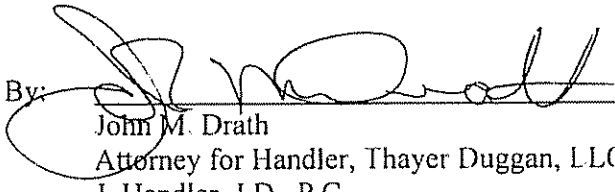
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
~~Ronald J. Sim~~  
~~Attorney for Strategic Opportunity Solutions, LLC dba~~  
~~Buffalo Ranch & Spencer D. Plummer, III~~

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Fred S. Blum  
Attorney for ClassicStar, LLC, ClassicStar Farms, LLC,  
GeoStar Corporation, Tony Ferguson, Thomas Robinson  
and John Parrot

Dated: 8/2/07

By:   
John M. Drath  
Attorney for Handler, Thayer Duggan, LLC and Thomas  
J. Handler, J.D., P.C.

**[PROPOSED] ORDER SETTING HEARING DATE AND BRIEFING SCHEDULE FOR  
RESCHEDULED MOTIONS**

The Stipulation of the parties having been presented to the Court for an Order thereon, and the parties having stipulated that this Court may issue an Order setting a hearing date and briefing schedule for the rescheduled motions, with the exception of the Motion to Set Aside Default filed by Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C., erroneously sued as THOMAS J. HANDLER, and GOOD CAUSE APPEARING THEREFOR,

IT IS HEREBY ORDERED THAT with the exception of the Motion to Set Aside Default filed by Defendants HANDLER, THAYER & DUGGAN, LLC and THOMAS J. HANDLER, J.D., P.C., erroneously sued as THOMAS J. HANDLER, which will be heard on August 28, 2007, at 9:30 a.m., hearing on the rescheduled motions will be on **Tuesday, September 18, 2007, at 9:30 a.m.** in Courtroom 11, 19<sup>th</sup> Floor, before the Honorable Martin J. Jenkins.

//

1 IT IS FURTHER ORDERED that any opposition briefs to the rescheduled motions must be  
2 filed and served no later than 21 days prior to September 18, 2007, or no later than **August 28, 2007**.

3 IT IS FURTHER ORDERED that any reply briefs regarding the rescheduled motions must be  
4 filed and served no later than 14 days prior to September 18, 2007, or no later than **September 4,**  
5 **2007**

6 IT IS SO ORDERED.

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HONORABLE MARTIN J. JENKINS  
UNITED STATES DISTRICT COURT JUDGE  
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**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel LLP 465 California Street, Suite 300, San Francisco, California 94104.

On August 3, 2007, I served the following document(s):

STIPULATION AND [PROPOSED] ORDER SETTING HEARING DATE AND BRIEFING  
SCHEDULE FOR RESCHEDULED MOTIONS

☒ by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

☒ by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

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*Attorney for Strategic Opportunity Solutions,  
LLC d/b/a Buffalo Ranch & Spencer D*



1 *Attorneys for ClassicStar, LLC, ClassicStar Plummer, III*  
2 *Farms, LLC, GeoStar Corporation, Tony*  
3 *Ferguson, Thomas Robinson and John Parrot*

4 John M. Drath, Esq.  
5 Drath, Clifford, Murphy & Hagen, LLP  
6 1999 Harrison Street, Suite 700  
7 Oakland, CA 94612-3517  
8 Fax: 510-287-4050  
9 Email: [jdrath@drathlaw.com](mailto:jdrath@drathlaw.com)  
10 *Attorney for Handler, Thayer & Duggan, LLC*  
11 *and Thomas J Handler, J D , P C*

12 I certify and declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct and I executed this declaration at San Francisco, California.

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15 \_\_\_\_\_  
16 Suzanne Slavens  
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